



House of Representatives

General Assembly

File No. 487

January Session, 2003

House Bill No. 6254

House of Representatives, April 22, 2003

The Committee on Environment reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING ON-SITE WASTEWATER MANAGEMENT DISTRICTS AND ALTERNATIVE SUBSURFACE SEWAGE TREATMENT SYSTEMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-245 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 For the purposes of this chapter: ["acquire"] (1) "Acquire a sewerage
4 system" means obtain title to all or any part of a sewerage system or
5 any interest therein by purchase, condemnation, grant, gift, lease,
6 rental or otherwise; (2) "community sewerage system" means any
7 sewerage system serving one or more residences in separate structures
8 which is not connected to a municipal sewerage system or which is
9 connected to a municipal sewerage system as a distinct and separately
10 managed district or segment of such system; (3) "construct a sewerage
11 system" means to acquire land, easements, rights-of-way or any other
12 real or personal property or any interest therein, plan, construct,

13 reconstruct, equip, extend and enlarge all or any part of a sewerage
14 system; (4) "municipality" means any metropolitan district, town,
15 consolidated town and city, consolidated town and borough, city,
16 borough, village, fire and sewer district, sewer district and each
17 municipal organization having authority to levy and collect taxes; (5)
18 "operate a sewerage system" means own, use, equip, reequip, repair,
19 maintain, supervise, manage, operate and perform any act pertinent to
20 the collection, transportation and disposal of sewage; (6) "person"
21 means any person, partnership, corporation, limited liability company,
22 association or public agency; (7) "sewage" means any substance, liquid
23 or solid, which may contaminate or pollute or affect the cleanliness or
24 purity of any water; (8) "sewerage system" means any device,
25 equipment, appurtenance, facility and method for collecting,
26 transporting, receiving, treating, disposing of or discharging sewage;
27 and (9) "alternative subsurface sewage treatment system" means a
28 system with discharge flows of less than five thousand gallons per day,
29 that utilizes a method of treatment other than a conventional
30 subsurface sewage disposal system, including individual subsurface
31 systems and community sewerage systems.

32 Sec. 2. Subsection (b) of section 7-246 of the general statutes is
33 repealed and the following is substituted in lieu thereof (*Effective*
34 *October 1, 2003*):

35 (b) Each municipal water pollution control authority designated in
36 accordance with this section may prepare and periodically update a
37 water pollution control plan for the municipality. Such plan shall
38 designate and delineate the boundary of: (1) Areas served by any
39 municipal sewerage system; (2) areas where municipal sewerage
40 facilities are planned and the schedule of design and construction
41 anticipated or proposed; (3) areas where sewers are to be avoided; (4)
42 areas served by any community sewerage system not owned by a
43 municipality; [and] (5) areas to be served by any proposed community
44 sewerage system not owned by a municipality; and (6) areas to be
45 designated as an on-site wastewater management district under
46 section 7-247, as amended by this act. Such plan shall also describe the

47 means by which municipal programs are being carried out to avoid
48 community pollution problems. The authority shall file a copy of the
49 plan and any periodic updates of such plan with the Commissioner of
50 Environmental Protection and shall manage or ensure the effective
51 management of any community sewerage system not owned by a
52 municipality.

53 Sec. 3. Section 7-247 of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2003*):

55 (a) Any municipality by its water pollution control authority may
56 acquire, construct and operate a sewerage system or systems; may
57 enter upon and take and hold by purchase, condemnation or otherwise
58 the whole or any part of any real property or interest therein which it
59 determines is necessary or desirable for use in connection with any
60 sewerage system; may establish and revise rules and regulations for
61 the supervision, management, control, operation and use of a sewerage
62 system, including rules and regulations prohibiting or regulating the
63 discharge into a sewerage system of any sewage or any stormwater
64 runoff which in the opinion of the water pollution control authority
65 will adversely affect any part or any process of the sewerage system;
66 may enter into and fulfill contracts, including contracts for a term of
67 years, with any person or any other municipality or municipalities to
68 provide or obtain sewerage system service for any sewage, and may
69 make arrangements for the provision or exchange of staff services and
70 equipment with any person or any other municipality or
71 municipalities, or for any other lawful services. The water pollution
72 control authority of any municipality planning to acquire, construct or
73 operate a new or additional sewerage system shall consider the
74 feasibility of using the sewage collected by such system as an energy
75 source for the generation of electricity or the production of other
76 energy sources. The water pollution control authority may establish
77 rules for the transaction of its business. It shall keep a record of its
78 proceedings and shall designate an officer or employee to be the
79 custodian of its books, papers and documents.

80 (b) (1) A municipality, at the recommendation of the water pollution
81 control authority, in consultation with the local director of health, and
82 where a wastewater engineering study that is acceptable to the
83 Commissioner of Environmental Protection and the Commissioner of
84 Public Health has determined that existing subsurface sewage disposal
85 systems may be detrimental to public health or the environment and
86 where community sewerage systems or upgrades of individual
87 subsurface sewage disposal systems may be required, may, by
88 ordinance, establish an on-site wastewater management district or
89 districts.

90 (2) A municipality, at the recommendation of the water pollution
91 control authority and with the concurrence of the local director of
92 health, under the authority of section 19a-207, may, by ordinance,
93 establish the following for an on-site wastewater management district:
94 (A) Design standards for an alternative subsurface sewage disposal
95 system, which standards may be more stringent technical standards
96 than those imposed by the Public Health Code and which are
97 approved by the United States Environmental Protection Agency; (B)
98 maintenance standards for an alternative subsurface sewage disposal
99 system; (C) standards for the removal of pollutants, including, but not
100 limited to, nitrogen, by an alternative subsurface sewage disposal
101 system; (D) regulations regarding building conversion, change in use
102 and building additions for properties that utilize a subsurface sewage
103 disposal system; (E) regulations governing the supervision,
104 management, control and operation of such districts; and (F) criteria
105 for the abandonment of substandard subsurface sewage disposal
106 systems, including, but not limited to, cesspools, leaching pits and
107 septic tanks that are not in compliance with the technical standards for
108 the subsurface sewage disposal systems of the Public Health Code.

109 (3) A municipality, at the recommendation of the water pollution
110 control authority and with the concurrence of the local director of
111 health, under the authority of section 19a-207, may: (A) Provide for the
112 effective management and operation of subsurface sewage disposal
113 systems by enforcing the standards, regulations and criteria

114 established under subdivision (2) of this subsection by order,
115 imposition of penalties or through legal action; (B) order an upgrade of
116 a subsurface sewage treatment system pursuant to such standards,
117 regulations and criteria; (C) issue a permit for the installation and
118 operation of an alternative subsurface sewage treatment system that
119 meets such standards, regulations and criteria; (D) fulfill contracts with
120 any person or municipality to provide or obtain sewerage system
121 service for any sewage; (E) provide or exchange staff services or
122 equipment with any person or municipality for the purpose of
123 fulfilling its duties pursuant to this subdivision; and (F) perform other
124 functions that will assist in furthering the goals of such standards,
125 regulations and criteria.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>

ENV *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Environmental Protection	EQ- Cost/Revenue	See Below	See Below
Public Health, Dept.	GF - Cost	\$39,250	\$50,525
Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	\$7,130	\$20,320

Note: GF=General Fund; EQ = Environmental Quality Fund

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
Various Municipalities	Revenue Impact	Potential	Potential
Various Municipalities	Cost	See Below	See Below

Explanation

This bill allows a municipality to establish an on-site wastewater management district by ordinance, provided that its water pollution control authority, in consultation with the local health director, has recommended to do so and provided that a wastewater engineering study acceptable to the Departments of Environmental Protection (DEP) and Public Health (DPH) has been conducted and has determined that existing systems may be detrimental to public health or the environment and where community sewage systems or upgrades of individual systems may be required.

It further authorizes a municipality that has created an on-site water management district to establish by ordinance various standards and regulations regarding: (a) the use of alternative subsurface sewage disposal systems, (b) building conversion, change in use and additions for properties utilizing a subsurface sewage disposal system; (c) the

governance of a water management district; and (d) criteria for the abandonment of substandard subsurface sewage disposal systems. Finally, the bill authorizes a municipality to perform various enforcement and permitting activities to effectively manage the operation of subsurface sewage disposal systems.

According to the Department of Public Health, there are currently no standards for the design, installation, maintenance or oversight of alternative sewage treatment systems. Therefore, towns opting to pursue these activities may incur significant costs to research and develop technical standards for their design and installation. Additional local costs would be associated with review of engineering plans, monitoring installation and ongoing oversight of maintenance and performance of the alternative systems. Since the bill is permissive, it is anticipated that communities will only implement its provisions if local resources are anticipated to be available. Potentially offsetting savings would result should the alternative systems prove less costly than traditional septic or sewer systems.

To the extent that financial penalties are imposed in the course of enforcement activities, a potential revenue gain to any affected municipality may result.

Passage of this bill will result in an FY 04 cost to the state of approximately \$46,380. Included in this sum is \$39,250 to support the three-quarter year salary of one Sanitary Engineer 2 under the Department of Public Health as well as associated equipment costs. Also included are \$7,130 in fringe benefit costs, which are budgeted centrally in miscellaneous accounts administered by the Comptroller¹. This position would be required to provide technical assistance to local governments and to ensure their ongoing compliance with the state's

¹ The total fringe benefit reimbursement rate as a percentage of payroll is 40.21 percent, effective July 1, 2002. However, first year fringe benefit costs for new positions do not include pension costs, lowering the rate to 18.81 percent in FY 04.

public health code. In FY 05 the annualized cost for the position would be \$70,845 (\$50,525 DPH; \$20,320 fringe benefits).

It is anticipated that the Department of Environmental Protection would incur a minimal workload increase, offset by a minimal revenue gain to the Environmental Quality Fund. This assumes that the requirements of the legislation do not eliminate the need for a municipality to obtain a wastewater discharge permit from DEP for an alternative subsurface sewage system.

OLR Bill Analysis

HB 6254

AN ACT CONCERNING ON-SITE WASTEWATER MANAGEMENT DISTRICTS AND ALTERNATIVE SUBSURFACE SEWAGE TREATMENT SYSTEMS**SUMMARY:**

This bill allows municipalities to establish by ordinance on-site wastewater management districts. It establishes conditions that must be met before a town can create such a district and lists standards, regulations, and criteria that a town can apply to such a district. It requires towns to include in their water pollution control plan the designation and boundary of any on-site wastewater management district they establish. The bill also authorizes a municipality, in conjunction with its water pollution control authority and local health director, to regulate alternative subsurface sewage treatment systems.

EFFECTIVE DATE: October 1, 2003

DEFINITIONS

The bill defines an alternative subsurface sewage treatment system as one with discharge flows of less than 5,000 gallons per day, that uses treatment methods other than a conventional subsurface sewage disposal system. Other statutes and regulations in the Public Health Code, not changed by this bill, define related terms. A subsurface sewage disposal system is a septic tank, leaching system and the additional necessary pumps, siphons, collection sewers, and groundwater control system. A community sewerage system is one serving one or more residences in separate structures and not connected to a municipal sewerage system or connected as a distinct and separately managed part of such a system. An alternative on-site sewage treatment system is one serving one or more buildings on one property using treatment methods other than subsurface sewage treatment and discharging into state waters.

REQUIREMENTS FOR MUNICIPALITY TO ESTABLISH DISTRICT

The municipality must act at the recommendation of its water

pollution control authority and in consultation with the local health director. A wastewater engineering study must be completed that is acceptable to the commissioners of the Department of Environmental Protection (DEP) and the Department of Public Health (DPH). The study must show that existing subsurface sewage disposal systems may be detrimental to public health or the environment. And community sewage systems or individual subsurface sewage disposal system upgrades may be required.

PROVISIONS OF THE ORDINANCE

The bill allows the municipality, at its water pollution control authority's recommendation and with the local health director's concurrence, to include the following in the ordinance:

1. design standards for the alternative system, which can be more stringent technical standards than those allowed by the state Public Health Code, but which must be approved by the federal Environmental Protection Agency;
2. maintenance standards for the alternative system;
3. standards for the removal of pollutants such as nitrogen;
4. regulations regarding changes or additions to the properties using the alternative system;
5. regulations governing the running of the district; and
6. criteria for abandoning substandard subsurface sewage disposal systems, including cesspools, leaching pits, and septic tanks that do not comply with the technical standards in the Public Health Code governing subsurface systems.

MUNICIPALITIES' AUTHORITY TO ACT

The bill authorizes a municipality to take a number of specific steps to enforce these provisions, but it must act at the recommendation of its water pollution control authority and with the concurrence of the local health director. A municipality may:

1. enforce the standards, regulations, and criteria established above

- through orders, imposition of penalties, and legal action;
2. order upgrades to a subsurface sewage treatment system following the standards, regulations, and criteria;
 3. issue permits for installation and operation of an alternative subsurface sewage treatment system that meets the standards, regulations, and criteria;
 4. fulfill contracts with individuals, businesses, public agencies, associations, or municipalities to provide or obtain sewerage system service;
 5. provide or exchange staff services or equipment with individuals, businesses, public agencies, associations, or municipalities to carry out these provisions; and
 6. perform other functions to further the goals of the standards, regulations, and criteria.

COMMITTEE ACTION

Environment Committee

Joint Favorable Report

Yea 24 Nay 3